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DOCKET NO. D-1995-041-2

DELAWARE RIVER BASIN COMMISSION

**Sunoco Inc. Refining and Marketing, LLC.
Philadelphia Refinery Recovery Wells
City of Philadelphia, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Sunoco Inc. Refining and Marketing (Sunoco R&M or docket holder) on June 1, 2011 (Application), for review of seventy-one (71) groundwater remediation wells at the Girard Point Refinery (GPR). On October 24, 2012 the docket holder amended the Application to include seven (7) additional groundwater remediation wells at the Point Breeze Refinery (PBR). The GPR and PBR together make up the Philadelphia Refinery. The surface water intakes and industrial wastewater treatment plants (IWTPs) at the Philadelphia Refinery were sold to Philadelphia Energy in September 2012, but the docket holder has maintained ownership of the groundwater remediation wells.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Philadelphia City Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on March 5, 2013.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to approve the withdrawal of up to 4.171 million gallons per month (mgm) of groundwater from seventy-eight (78) on-site remediation wells within four (4) areas of interest (AOI) at the Philadelphia Refinery.
2. **Location.** The project wells are located in the Cape May Formation of the Schuylkill River Watershed. Specific location information has been withheld for security reasons.
3. **Area Served.** The on-site groundwater remediation wells will continue to serve the Philadelphia Refinery's AOI 1, 2, 4, and 7. The service area is outlined on a map entitled Service Area Location Map for Sunoco Inc. (R&M) Philadelphia Refinery Remediation Program, which was submitted with the amended Application on October 24, 2012. For the

purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria. The groundwater remediation wells currently withdrawal an average and maximum water demand of 0.082 million gallons per day (mgd) and 0.099 mgd, respectively. The 10-year average and maximum water demand is expected to increase to 0.104 mgd and 0.135 mgd, respectively. The allocation of 4.171 mgm for all 78 wells is sufficient to meet the groundwater remediation demands at the Philadelphia Refinery.

b. Facilities. The existing project wells have the following characteristics:

AOI & WELL NOS.	DEPTH (FEET)	CASED DEPTH (FEET)/ CASING DIAMETER (INCHES)	PUMP TYPE	YEAR DRILLED
AOI 1 (Wells Nos. RW-400, and S-180 to S-192)	35	35/4	Submersible 8	1994
AOI 2 (Wells Nos. RW-101 to RW-106, HW-1 to HW-3, S-93, S-251 to S-254, S-313 to S-317, and RW-113 to RW-129)	25-30	25-30/4-6	Submersible 3, Diaphragm 9, and Submersible 25	1994 & 1995
AOI 4 (Wells Nos. RW-700 to RW-717)	38	38/4	Submersible 25	2010
AOI 7 (Wells Nos. RW-801 to RW-810)	25	25/6	Submersible 25	2012

All wells are metered.

The project wells are not located in the 100-year floodplain.

c. Other. Groundwater remediation water will continue to be conveyed to either Philadelphia Energy's Point Breeze IWTP or Girard Point IWTP. The Point Breeze IWTP is before the Commission for review and approval at this time and is also being heard at the March 5, 2013 Public Hearing under Docket No. D-1969-163-2. The Pennsylvania Department of

Environmental Protection (PADEP) is expected to issue National Pollutant Discharge Elimination System (NPDES) Renewal Permit No. PA0012629 shortly.

The Girard Point IWTP was approved by the Commission via Docket No. D-1969-115-3 on July 11, 2012. The PADEP issued NPDES Permit No. PA0011533 for this discharge on September 21, 2012, effective November 1, 2012.

- d. **Cost.** There are no costs associated with these existing wells.

B. **FINDINGS**

The purpose of this docket is to approve the withdrawal of up to 4.185 mgm of groundwater from 78 on-site remediation wells within 4 AOI at the Philadelphia Refinery.

The Commission terminated Dockets Nos. D-95-41 and D-88-40 Renewal on November 1, 2005 because the docket holder was no longer withdrawing at least 100,000 gallons per day as a 30-day average from all wells (Commission's review threshold). The Termination letter stated that should the docket holder once again meet this threshold that a docket would be required. The Application received was due to this requirement.

The DRBC estimates that the project withdrawals, used for the purpose of groundwater remediation, result in a consumptive use of three percent (3%) of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

C. **DECISION**

I. Effective on the approval date for Docket No. D-1995-041-2 below, the project and appurtenant facilities as described in Section A "Physical Features" are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

- a. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 4.171 million gallons. No AOI shall be pumped above the monthly allocation as indicated below:

AOI	MONTHLY ALLOCATION (MILLION GALLONS)
1	0.175
2	2.2
4	1.116
7	0.68

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

i. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a

reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

j. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

k. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

l. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

m. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: March 6, 2023

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